

REMARKS

Reconsideration of the above identified application is respectfully requested. Claims 1-8 were previously cancelled and Claims 9-15 remain for consideration.

In paragraph 2 of the Office Action, the Examiner approved the proposed drawing correction and/or the proposed substitute sheets of drawings. Accompanying this amendment are drawings complying with those previously submitted.

In paragraph 4 of the Official Action, the Examiner rejected Claims 11-13 under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner pointed to the limitation “a pair of gripper elements” and the lack of antecedent basis for “the lateral edges.” The claims have been amended to obviate this rejection. In paragraph 6 of the Official Action, the Examiner rejected claims 9-11 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Plotka (1,252,226) or Breckenridge (885,580). Claim 9, the only independent Claim, has been amended in a sincere effort to obviate this rejection.

Neither of these references teach or suggest the claimed invention which was designed in a simple but effective manner, as explained in the specification, to reliably grip a row of pouches standing on one of their longitudinal sides. The invention is particularly adaptable to grip pouches made of thermal plastic material which during sterilization, due to the relatively high temperatures, pouches of thermal plastic material often are no longer oriented in their original configuration, a straight and vertical configuration, but have a tendency to get deformed particularly near the corner formed by longitudinal topside 13 and topside 16. Applicants have found that the bottom sides 14 of the pouches are much less prone to deformation due to the bottom film 3 seal between the lateral films 1 and 2 which acts as a reinforcing film.

Due to this reinforcing feature, pouches standing on a longitudinal side tend to be relatively straight at their bottom side so that the gripper elements 22 can reliably be inserted between adjacent pouches 10 without accidentally colliding with laterally deformed pouches or parts thereof.

Thus the gripper elements are introduced between each pouch and then are moved in a parallel path or squeezing manner between adjacent upper longitudinal sides of adjacent pouches to reliably grip the pouches. None of the prior art cited by the Examiner, Plotka or Breckenridge, teach or suggest this concept. Plotka has as a series of extending rods 16 which are fixed and below those a series of extending rods 17 which move when the element 14 is squeezed against the action of spring 15 in a manner which is not in a parallel path. The path of movement of the rods 17 of Plotka is angular, much like a scissor action so that the cans which Plotka is attempting to hold are gripped by the scissor like action. Breckenridge on the other hand, just shows a series of extending rods C in a comb like manner, but there is no movement whatsoever of the rod C in the Breckenridge device as these are merely intended to be centrally located within the hollow cans which the Breckenridge device is intended to hold.

Accordingly none of the prior art of record cited by the Examiner teaches or subjects that which is now positively recited in the claims at issue.

Conclusion

Accordingly, in view of the above amendments and remarks favorable reconsideration and allowance of the application is respectfully requested.

Applicants request a three month extension of to respond to this office action and our check in the amount of \$950.00 is enclosed as the requisite fee.

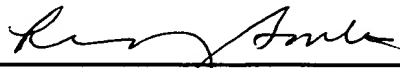
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Leonard J. Santasi
Reg. No. 24,135
(858) 731-5000